

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:24-CV-21463-ALTMAN/SANCHEZ

NEREYDA SUHEY CASTILLO MARENCO,

Plaintiff,

vs.

J.C. PAINTING CONTRACTOR  
LLC, MARIA GONZALEZ, and  
TOMAS GONZALEZ,

Defendants.

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**PLAINTIFF'S STATEMENT OF CLAIM**

Plaintiff, Nereyda Suhey Castillo Marenco, pursuant to the Court's Order entered on April 22, 2024 [ECF No. 5], files this Statement of Claim based on the information known to Plaintiff and estimates as follows:

***Preliminary Statement***

This Statement of Claim is not to be construed as a demand, nor as an exact quantification of Plaintiff's damages, but merely as a case management tool required by the Court. *See Calderon v. Baker Concrete Const., Inc.*, 771 F.3d 807, 811 (11th Cir. 2014) ("That document is an extra-Rules practice used by the district court for its convenience and to aid in case management. It does not have the status of a pleading and it is not an amendment under Rule 15 of the Federal Rules of Civil Procedure.")

***Information Requested by the Court***

1. Plaintiff does not currently have all of the time and pay records from her employment, so she must estimate the hours she worked, the pay she received for those hours, and the corresponding wages due.

2. Plaintiff prepared this Statement of Claim with the assistance of counsel.

3. Plaintiff estimates that she is owed **\$52,550.00**, exclusive of liquidated damages, attorney's fees, and costs, and which includes the following:

- a. Unpaid overtime wages of approximately \$47,550.00 under the FLSA; and
- b. At least \$5,000.00 in statutory damages or the damages actually incurred by Plaintiff under 26 U.S.C. §7434.

4. Plaintiff calculated the amounts she estimated are owed to her as follows:

**Estimated Overtime Wages Owed**

<b>Dates Worked</b>	<b>Weeks</b>	<b>Regular Rate</b>	<b>OT Rate</b>	<b>Hours Worked</b>	<b>Wages Owed</b>
Sep. 1, 2021 - Oct. 21, 2022	56	\$18.50/hour	\$27.00/hour	52.5 hours/week	\$18,900.00
Oct. 22, 2022 - Aug. 31, 2023	42	\$20.00/hour	\$30.00/hour		\$15,750.00
Sep. 1, 2023 - Sep. 30, 2023	4	\$25.00/hour	\$37.50/hour		\$1,875.00
Oct. 1, 2023 - Mar. 13, 2024	21	\$28.00/hour	\$42.00/hour		\$11,025.00

**Total: \$47,550.00**

26 U.S.C. §7434 Statutory Damages = **\$5,000.00**

**Total Damages:**     \$47,550.00 + \$5,000.00 = **\$52,550.00**

5. Plaintiff is claiming that she is owed overtime wages for work performed between September 2021 and March 13, 2024.

6. Plaintiff also seeks liquidated damages in an amount equal to the above unpaid/underpaid overtime wages plus reasonable attorneys' fees and costs pursuant to the FLSA and 26 U.S.C. §7434.

7. Plaintiff's Statement of Claim is based upon the information currently known and/or available.

8. Plaintiff reserves the right to amend this Statement of Claim based upon additional information provided by Defendants, through discovery, and/or as additional/different information becomes known.

9. This Statement of Claim does not include any computation of damages other than those related to her claims for overtime wages under the FLSA and under 26 U.S.C. §7434 in the operative/pending Complaint and is subject to revision through discovery and/or the amendment of the Complaint.

Respectfully submitted this 25th day of April 2024.

s/ Patrick Brooks LaRou  
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